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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,107	12/13/2000	Kenji Fujioka	F-6779	3664

7590

08/05/2002

Jordan and Hamburg
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EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

HCF

Office Action Summary	Application No. 09/736,107	Applicant(s) FUJIOKA ET AL.	
	Examiner Aaron L Enatsky	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims transmitting data to an external side. An external side does not clearly explain where transmitted data will be sent, therefore indefinite.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 4, 7, 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ng '855. Ng teaches a monitor for displaying game images (Fig. 3A), a plurality of operable members (Fig. 3A-3C), a data transmitter for transmitting data to an external device (Fig 1B), a mode for training a character (6:34), a mode for transmitting data (Fig. 1B), buttons to train a character (6:15-24), a microprocessor controller which drives the game device (5:1-16), obtaining training values which add or subtract from an initial training value (5:51-65), item giving device for giving items to a character which affect training score/state (6:34-47), a training judge for

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determining a success endeavor (6:45-47), data of a trained fighter is transmitted to an external device for participating in a game (7:42-8:44).

In re claim 9-10, Ng discloses various commands related to transmitting and receiving data to and from an external device (8:50-11:10). Furthermore, claims of such, directed to communication between devices are standard and well known in computer communication. Applicant does not set forth any novel communication techniques that would further distinguish the invention from previous communication protocols that one of ordinary skill in the art would readily recognize to implement for this application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 5-6, 8, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng. Ng teaches the claimed limitations as discussed above, but does not specifically disclose transmitting items given to a character to an external device. However, Ng teaches bi-directional communication between a first device and a variety of other devices, such as another game apparatus or a PC. Ng also teaches of a first device receiving feature upgrades and restoring aspects of training scores, which would be receiving items from a remote device to affect training scores as paralleled above in providing items pre-programmed into the device (2:33-60). Ng also provides for a competition game of combat over the Internet between two remote game

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devices. It is considered well within one of ordinary skill in the art to provide combat characters with weapons for battling other character. As such, an item could be received for training a fighter for later combat games, therefore when playing a combat game between two remote fighters, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ng to provide for sending an item used for training with the fighter data, so that during the combat game a fighter could use that sent item during combat.

In re claims 3, 6, 8, 14, as discussed above, Ng teaches receiving from an external source items and other character modifications. Ng also teaches having the ability to train more than one character (5:47-50). While not disclosing where the other characters are produced in the game, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have received the extra characters from the computer or the Internet to provide a new sales distribution channel for the game manufacturer or provide a game player with character variety to keep the combat game more interesting.

In claim 11 and 18, Ng teaches having a user post game scores to a website (2:47-49) as well as transmitting various statistics of a user's virtual character (9:1-10:67). Ng does not disclose displaying how many times a character has been transmitted to an external device nor displaying the information on the monitor, however as taught by Ng, one could readily access how many time transfers have occurred though a player's combat history with other players seen on the score posting on the Internet. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the scores posted to monitor of the game device so that statistics of the game history would be portable with the device and viewable while not connected to the network.

In re claim 12 and 19, Ng teaches of a first game of training and developing a character, and another video game program where characters participate in a combat game (Abstract).

In re claim 15 and 16, Ng teaches standard device communication as discussed above.

In re claim 17, Ng teaches receiving new characters and new character enhancements as discussed above where the character enhancements are received from an external device (2:47-60). Items different than those already received by a character would be the new enhancements that are available on an external device through the web.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sonoda et al. '068, discloses virtual character training and network game communication.

Goto et al '483, discloses a portable electronic device removable from an external device.

Horigami et al. '012, discloses a game for training a virtual character and participating in a competition.

Yokoi '871 and '966, disclose a game for training/raising a virtual character.

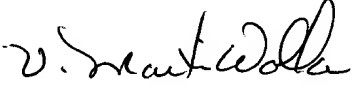
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ale
July 28, 2002


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700